



Restorative Justice in Islamic Criminal Law: A Legal Psychology Perspective on the Necessity of *Qisas* and *Diyat*

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Abstract: Restorative justice studies have so far been developed mainly within the framework of modern positive law, while the potential of similar concepts in Islamic criminal law is often narrowly understood as a mechanism of retribution. In fact, *Qisas* and *diyat* embody a more comprehensive dimension of justice-oriented towards restoration. The purpose of this study is to analyse *Qisas* and *diyat* in Islamic criminal law through the perspective of legal psychology to prove the restorative justice character inherent in them. This study uses a normative legal research method, with a conceptual, theological-normative, and legal psychology approach, examining primary data in the form of the Qur'an and hadith, as well as secondary data sourced from relevant research through library research, to analyse the restorative character of *Qisas* and *diyat*. The results of this study indicate that *Qisas* and *diyat* not only function as instruments of punishment but also as mechanisms of recovery that acknowledge victims' suffering, encourage perpetrators' moral responsibility, and restore social and psychological balance. The novelty of this study lies in the integration of a legal psychology perspective into the examination of *Qisas* and *diyat* as restorative justice inherent in Islamic criminal law. This research is expected to enrich academic discourse and strengthen the relevance of Islamic criminal law in the discourse of modern restorative justice.

Keywords: *diyat*; fiqh jinayah; legal psychology; *Qisas*; restorative justice.

Introduction

The existence of law is urgently needed in society because law not only serves as a means of justice, peace, and tranquillity in life but also guarantees legal certainty. In addition to its function as social control, law also serves as social engineering, a means of welfare and progress for society. Laws related to behaviour and relationships within society are closely related to psychology, the science that studies human behaviour and social relationships. In other words, psychology can also be defined in relation to the existence of law as the science that studies the nature of the soul and its processes. Meanwhile, the direct link or correlation between these two elements, namely law and psychology, is known as legal psychology. Legal psychology is a branch of science that studies law from the perspective of expression and the development of the human soul (Jaenudin, 2017, p. 9).

Legal psychology plays an important role in understanding how law functions not only as a system of norms, but also as substantive justice as perceived by all subjects of law. This interdisciplinary approach not only reveals the normative system but also serves as a mechanism that

influences consciousness and emotions (Arifuddin, 2024, p. h. 4-13). Therefore, legal psychology is an approach in law that emphasises human and legal determinants, placing greater emphasis on individuals as objects of analysis. This is particularly true in the descriptive aspect of psychology in law, which pays special attention to actual justice, not limited to substantive justice, but also justice rooted in psychological aspects of moral values.

In the context of restorative justice, legal psychology places the justice of victims and perpetrators as central elements that determine the legitimacy of a legal decision (Rahayu, 2021). The dependence of positive legal psychology studies on Western empirical frameworks has led to conceptual limitations in understanding justice for victims and perpetrators rooted in moral values. The reduction of restorative justice in positive legal psychology, which focuses on procedures and state institutional actors, has not fully explained the psychological dynamics of forgiveness, reconciliation, and the legitimacy of justice within the framework of *Qisas* and *diyat* (Mustary, 2021).

Without recontextualization, the application of positive legal psychology concepts to *Qisas* and *diyat* can produce a partial reading that does not fully represent the logic of justice in Islamic criminal law (Nursari, 2025, p. h. 123-134).

تَقُومُ الْعَدَالَةُ فِي الْإِسْلَامِ عَلَى أَنْ تَكُونَ عَدَالَةً مُدْرَكَةً تُحَقِّقُ طُمَآنِينَةَ النُّفُوسِ، لَا مُجَرَّدَ عَدَالَةٍ مُسْتَوْفِيَةٍ
لِلشُّرُوطِ الشَّكْلِيَّةِ

“Justice in Islam is based on the realisation of justice that is felt and brings peace of mind, not merely justice that is formally valid.”

The text above emphasises that the concept of justice in Islam does not stop at fulfilling formal procedures or administrative legality alone, but must also reach a substantive dimension that is truly felt by the people involved. The term 'adālah mudrakah (justice that is understood and felt) indicates that the law must bring inner satisfaction, a sense of security, and peace of mind (*tuma'nīnat an-nufūs*), so that the parties feel that their rights are truly upheld fairly. Thus, justice is not measured only by the fulfilment of procedural elements such as the completeness of evidence, the fulfilment of formal requirements, or the legal validity of the verdict, but also by the extent to which the verdict reflects the sense of justice that exists in society and fulfils the moral objectives of the Sharia.

Criticism of '*adālah mustawfiyah li al-syurūṭ al-syakliyyah* (justice that merely fulfils formal requirements) implies that laws that only adhere to textual legality without considering psychological and social impacts have the potential to give rise to dissatisfaction, even a sense of injustice, even though they are considered correct from an administrative point of view. From this perspective, Islam views law as an instrument for maintaining public interest, preserving human dignity, and creating social harmony. Therefore, a decision that is procedurally valid but fails to provide a sense of security and substantive justice does not fully reflect the spirit of Islamic justice. This concept also emphasises the integration of the normative and ethical dimensions in Islamic law: rules and procedures remain important as a guarantee of legal certainty, but both must be directed towards a higher goal: peace of mind and social balance. In other words, justice in Islam is holistic—combining legal certainty, morality, and humanity so that the law does not become dry and mechanistic, but rather alive and responsive to human needs.

Instead of enriching our understanding of *Qisas* and *diyat*, the dominance of positive legal psychology actually confirms its own initial assumptions about justice, thereby rendering its analytical function problematic. By integrating the concept of legal psychology, the study of *Qisas* and *diyat* can reveal, in a more holistic manner, how Islamic criminal law functions as a humanistic justice system.

The tendency of the positive legal psychology paradigm to place restorative justice as an exclusive construct of state legal modernity ignores the existence of the Islamic criminal law system, which has long contained principles of restoration. The mechanisms of *Qisas* and *diyat* in Islamic criminal law (*fiqh jinayah*) are often narrowly understood as instruments of retribution or material compensation alone. In fact, in the tradition of Islamic criminal law, *Qisas* and *diyat* not

only regulate sanctions but also open up space for forgiveness, restoration of social relations, and inner peace for both the victim and the perpetrator (Diani, 2022). *Qisas* and *diyat* are two main instruments in Islamic criminal law that regulate criminal acts against life and limb with a primary orientation towards the protection of life, restoration of justice, and social stability (Rafid, 2022). The purpose of *Qisas* is not merely retaliation, but crime prevention and the protection of human life, as stated by Allah SWT:

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ

“And in retribution there is life for you, O people of understanding” (QS. al-Baqarah [2]: 179)

Based on the above verse, it is clear that the positioning of *Qisas* and *diyat* sanctions is not limited to being understood narrowly as instruments of retaliation or material compensation. Rather, the true meaning and essence of *Qisas* and *diyat* sanctions is to protect human dignity and honour, including the guarantee of human life. Al-Mawardi, in his book, explains the meaning of the verse, stating that its content is to prevent murder between individuals. In other words, if *Qisas* sanctions are enforced, this will directly or indirectly serve as a preventive measure to deter similar crimes against life. The perpetrator will think twice before committing such an act (Al-Qurtubi, 1964, p. 256).

More specifically, the implementation of *Qisas* and *diyat* sanctions opens up space for forgiveness and peaceful resolution through the *diyat* mechanism, as emphasized in the previous verse, namely Surah al-Baqarah verse 178, by giving the victim's heirs the right to forgive and accept compensation (Siregar et al., 2025). The existence of the *Qisas* and *diyat* mechanisms proves that Islamic criminal law is not rigid and retributive, but rather a concept that emphasizes humanity, empathy, and restoration of social relations so that *Qisas* and *diyat* are understood as a justice system that balances legal certainty, victim protection, and psychological peace. Ultimately, it is hoped that the imposition of *Qisas* or its alternative, *diyat*, as a sanction will have a beneficial effect (Kasim et al., 2023). Here, the state does not play a major role in adjudicating and determining the direction of case resolution, but rather as a mediator between the parties concerned in the resolution of the case. Thus, in its role, the state is not a dominant figure as in the resolution of general offences in positive law, but only as a facilitator in determining the direction of case resolution. Therefore, even though, in the context of *Qisas*, the term restorative justice is never used as a technical term in Islamic criminal law, legally, this system has long existed within the concept of *Qisas* and *diyat* as rules derived from the Qur'an and hadith.

Al-Mawardi, an Islamic political thinker, emphasised that punishment in Islam does not stop at the certainty of sanctions, but rather at the achievement of benefit, the protection of life, and peace, in the form of *ta'dib* (education) (Sukti, 2024). Thus, reading *Qisas* and *diyat* through the lens of restorative justice is not an attempt to impose a new concept on Islamic law, but rather an effort to rediscover its inherent restorative dimension.

Several studies over the last five years show that the study of *Qisas* and *diyat* remains dominated by a normative-dogmatic approach, while the psychological and restorative dimensions have not been adequately explored. This study offers a novel approach by positioning *Qisas* and *diyat* as mechanisms of restorative justice analysed through a legal psychological perspective, rather than merely as instruments of normative punishment, as is common in *fiqh jinayah* (criminal jurisprudence) and positive law studies. Unlike previous studies, which tended to stop at textual legitimacy or legal comparisons, this study conceptually integrates the psychological dimensions of victims and perpetrators, particularly spiritual healing, forgiveness, and social reconciliation, into the internal rationality of Islamic criminal law. Therefore, a more integrative dialectical study is needed to explain how the mechanisms of *Qisas* and *diyat* work psychologically to realise the justice felt by all subjects of law.

The contribution of this research is theoretical and conceptual: it, enriches the body of Islamic criminal law with an interdisciplinary approach to legal psychology and expands the discourse on restorative justice, which the positive law paradigm has dominated. The purpose of this study is to analyse and confirm that *Qisas* and *diyat* are substantially in line with the principles

of restorative justice. even though the technical terms are not used, but legally and in principle, this principle of restorative justice has long existed in the concepts of *Qisas* and *diyat*, as well as to show that an understanding of legal psychology in context can strengthen the legitimacy of Islamic criminal law as a humanistic justice system, oriented towards benefit, and relevant to contemporary justice needs.

Studies on *Qisas* and *diyat* in Islamic criminal law have developed significantly, especially in re-examining the nature of justice in the context of modern restorative justice discourse. In classical literature, Wahbah al-Zuhaylī in *al-Fiqh al-Islāmī wa Adillatuhu* asserts that *Qisas* is not merely an instrument of retribution, but a legal system that aims to preserve life (*hifz al-nafs*) and prevent social damage through proportional regulations and ample room for forgiveness and *diyat*. Al-Zuhaylī emphasises that the option of replacing *Qisas* with *diyat* reflects a Sharia policy that is sensitive to the psychological condition of the victim and their family and maintains social stability, so that Islamic criminal law does not stop at imposing sanctions, but serves as an instrument of reconciliation and social restoration (Al-Zuhaylī, 1984).

Al-Qurtubi, in al-Jami' ahkamil al-Quran, argues that the implementation of *Qisas* and *diyat* is a means of guaranteeing human life while maintaining human dignity. As stated textually in Surah al-Baqarah verse 178, “*walakum fil al-Qisasi hayatun*” is interpreted as a preventive measure to avoid acts/crimes against the soul (Al-Qurtubi, 1964).

A similar view is expressed by 'Abd al-Qādir 'Audah in *al-Tashrī' al-Jinā'ī al-Islāmī*, who states that *Qisas* and *diyat* are designed to achieve perceived justice (*al-'adl al-mahsūs*), namely justice that the victim and the community truly feel. He emphasises that the involvement of victims in determining the resolution of cases is an advantage of Islamic criminal law over modern criminal systems, which tend to centre the conflict on the state. This concept is implicitly in line with the principles of legal psychology and restorative justice, which assess the legitimacy of law from the experience of justice of legal subjects, not only from procedural aspects (Al-Qādir 'Audah, 1992).

From a contemporary perspective, Sriwiyanti, Wahyu Saefudin, and Siti Aminah (2021) in the *Journal of Islamic Law* entitled “*Restorative Justice for Juvenile Offenders in Indonesia: A Study of Psychological Perspective and Islamic Law*” analyze the application of restorative justice to juvenile offenders from a psychological and Islamic law perspective by proving the role of psychological development in the process of juvenile justice. This study shows that restorative-based criminal case resolutions that consider the psychological conditions of victims and perpetrators result in higher acceptance of justice than a purely retributive approach. Although their research did not specifically focus on *Qisas* and *diyat*, these findings are relevant to strengthening the argument that the legitimacy of law is not only determined by normative validity but also by the psychological experience of a law (Aminah, 2021).

This is further reinforced by Fazar Sodik's (2024) study entitled “*The Application of The Restorative Justice Concept in Child Criminal Acts Perspectives of Islamic Law and Progressive Law*” published in the *Strata Law Review Journal*, which explicitly examines the concept of *restorative justice* in juvenile crime from the perspective of Islamic criminal law and progressive law, including the connection between *Qisas* and *diyat* the approach of reconciliation and forgiveness, which enriches the contemporary understanding of *restorative justice*. This research is important because it shows that the concepts of forgiveness and compensation in Islamic criminal law do not contradict the theory of restorative justice, but rather represent an early form of it within a normative-religious framework (Sidik, 2024).

Furthermore, a recent study conducted by Mahbubi (2025) successfully demonstrated that *diyat* in criminal acts of murder is in line with the principles of restorative justice because it is oriented towards restoring social relations and considers the psychological aspects of the victim and perpetrator through the study “*The Correlation between Diyat and Restorative Justice in Criminal Acts of Murder with the Reason of Forgiveness*” in *Syariati: Journal of Qur'anic and Legal Studies* (As-Salafiyah et al., 2025). Mahbubi emphasises that the *diyat* mechanism not only serves as material compensation but also as a means of reconciliation and emotional recovery, thereby strengthening the relevance of Islamic criminal law within the discourse of restorative justice (Sidik, 2024).

Based on this literature review, it can be concluded that although many studies have discussed *Qisas* and *diyat* from a normative and maqashid al-syari'ah perspective, there are still limitations in studies that systematically reconstruct these concepts from a legal psychology perspective. Therefore, this study occupies a strategic position by integrating Islamic criminal law, restorative justice, and legal psychology to show that *Qisas* and *diyat* are mechanisms of justice that are not only normatively valid but also psychologically legitimate and relevant in the context of modern justice.

Method

The normative legal research method is a method that places law as a norm or rule that applies in the legal system and legal doctrine as defined by Soerjono Soekanto. According to Sri Mamudji, normative legal research aims to examine legal principles, legal systematics, the level of legal synchronisation, and the doctrines or opinions of legal experts (Soerjono Soekanto & Mamudji, 2013). The conceptual approach, as explained by Peter Mahmud Marzuki, is used to understand the concepts, principles, and theoretical constructs that have developed in legal literature.

Data collection techniques in normative research are carried out through literature reviews, namely by examining primary, secondary, and tertiary legal materials, including legislation, court decisions, textbooks, and scientific journal articles. Data analysis techniques are carried out qualitatively, namely by processing and interpreting legal materials systematically, logically, and argumentatively to obtain normative conclusions (Sugiyono, 2022). According to Johnny Ibrahim, this qualitative analysis emphasises legal reasoning through interpretation, legal construction, and doctrinal argumentation.

This qualitative study uses a normative juridical method with a conceptual approach and an interdisciplinary approach, particularly legal psychology, to analyze restorative justice in Islamic criminal law, specifically *Qisas* and *diyat*. The type of data used is secondary data consisting of primary legal materials in the form of the Qur'an, hadith, and classical and contemporary *fiqh jinayah* books. Meanwhile, secondary legal materials consist of books, scientific journal articles, and previous research results relevant to Islamic criminal law, restorative justice, and legal psychology. Data collection techniques included library research, with systematic searches of credible legal sources and scientific literature. Furthermore, data analysis techniques were carried out using qualitative-descriptive methods by interpreting the legal norms of *Qisas* and *diyat*, constructing the principles of restorative justice, and analyzing them through the perspective of legal psychology to obtain a comprehensive understanding of the dimensions of psychological reconciliation (restoration) and substantive justice in Islamic criminal law (*fiqh jinayah*).

Results and Discussion

Qisas and *Diyat* as Restorative Justice Mechanisms in Islamic Criminal Law

The results of this study prove that *Qisas* and *diyat* in Islamic criminal law cannot be reduced to mere instruments of retribution, but rather are mechanisms of justice with a strong restorative character. Normatively, *Qisas* gives victims or their heirs the right to determine the direction of the case resolution, whether through appropriate retribution, forgiveness, or compensation in the form of *diyat* (An-Nawawi, 1277). This structure places victims not as passive objects of the legal system, but as the main subjects in the process of restoring justice (Uksan et al., 2025). Therefore, it is also understood, normatively, that the implementation of *Qisas* is closely related to the concept of restorative justice within the framework of modern positive law. In its implementation, *Qisas* also emphasises the direction of case resolution between parties in social relationships, particularly the involvement of victims as the main subjects in determining the direction of case resolution, without exception in cases of criminal acts/general crimes. This reality shows that not all criminal acts in Islamic criminal law fall into the category of general crimes, where, in the settlement of cases, the authorities/government take a dominant role and act as the main subject in determining the direction of the settlement of the case or, in other words, confront the perpetrator with the government authorities. In *Qisas* and *diyat*, the victim is involved and serves as the main subject in determining the direction of the case resolution. Similarly, regarding the perpetrator of a criminal act, Islamic criminal law recognises the principle of individual responsibility, whereby the

perpetrator must be accountable to God, the victim, and society to restore social relations (Maulidar, 2021, p. h. 144). Therefore, it is clear that *Qisas* is consistent with the principles of restorative justice, namely victim participation, perpetrator responsibility, and restoration of social relations. Allah SWT says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى: الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ ۚ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ ۚ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ۚ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ ۚ فَمَنِ اعْتَدَىٰ بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ

“O you who believe, retribution is prescribed for you in the case of those who are killed: a free man for a free man, a slave for a slave, and a woman for a woman. But whoever is forgiven by his brother, let him follow the way of kindness, and let him who is forgiven pay (*diyya*) in a good manner. That is an easing from your Lord and a mercy. Whoever transgresses after that will have a painful punishment.” (QS. Al-Baqarah [2]: 178)

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ

And in retribution there is life for you, O people of understanding” (QS. al-Baqarah [2]: 179)

Based on these verses, *Qisas* and *diyyat* are clear evidence of the concept of restorative justice. Basically, this concept (restorative justice) is an approach that places greater emphasis on creating justice and balance for both the perpetrator and the victim of a crime to resolve the case. Justice in restorative justice is not always realised and is based on standard normative provisions, but can also be based on other relevant considerations deemed most fair to resolve the case. In other words, what is meant by standard here are rules or provisions that are based on the principle of legality. In its application, the principle of legality remains a key consideration as a reference and guide to avoid errors in the criminal prosecution process for perpetrators of criminal acts, but under certain conditions, other aspects and/or considerations also become the main basis for the application of restorative justice. In its context, *Qisas* is basically the main sanction offered in the settlement of criminal acts against life, such as murder or abuse. However, under certain conditions, namely where the victim and/or their family have forgiven the perpetrator, this *Qisas* sanction is not mandatory. Still, there are alternative punishment mechanisms, such as *diyyat*, as efforts to improve and maintain social harmony, in which the perpetrator compensates the victim or their family (Ropei, 2022, p. 56).

Returning to the second verse above, it shows that the main purpose of *Qisas* is not retribution, but *hifz al-nafs* (protection of life) and the continuity of social life (Al-Zuhayli, 1984). The phrase “*faman 'ufiya lahu min akhihi shay*” indicates the legitimacy of forgiveness as the preferred alternative, while the mention of the perpetrator with the term “*akhihi*” (his brother) contains a moral and psychological message that criminal acts do not sever human relations. When examining forgiveness specifically in the context of Islamic criminal law, and particularly in the settlement of cases involving *Qisas* and *diyyat*, the meaning of the phrase “*al-afwu*,” which means forgiveness, as the root word of the context “*faman 'ufiya*” in the above verse, differs from the meaning of “*al-shulh*,” which means peace. Based on these two phrases, a distinction can be drawn in their implementation: if the initiative for forgiveness is based on a joint decision by both parties, namely the perpetrator and the victim, it is called *al-shulhu*, or peace. Meanwhile, if the initiative for forgiveness and compensation is based solely on one party, namely the victim, then this is called *al-afwu*, or forgiveness, as mentioned in the verse (Maulidar, 2021).

Forgiveness is seen as an alternative to law enforcement in resolving cases based on non-legal aspects. This is based on the victim's and/or their family's initiative to pardon the perpetrator and forgive them. In Islamic criminal restorative justice, this forgiveness becomes an obstacle, nullifying the imposition of *Qisas* sanctions on a person. This forgiveness is entirely the autonomous right of the victim and/or their family. This forgiveness can also be considered by the judge when resolving a case. In relation to this forgiveness, as Abdul Qodir Audah has stated explicitly and clearly as follows: (Audah, 1992).

تَسْقُطُ عُقُوبَةُ الْقِصَاصِ بِأَرْبَعَةِ أَسْبَابٍ، هِيَ: فَوَاتُ مَحَلِّ الْقِصَاصِ، وَالْعَفْوُ، وَالصُّلْحُ، وَانْتِقَالُ الْحَقِّ إِلَى الْوَارِثِ

Qisas punishment is waived for four reasons, namely: loss of محل (object) of *Qisas*, forgiveness, reconciliation, and transfer of rights to heirs.

As explained by Abdul Qadir Audah in *At-Tasyri' al-Jina'i al-Islami*, the aspect of *al-afwu* (forgiveness) has a central position in the construction of *Qisas* law because it emphasises that this sanction is essentially a personal right (*haqq adamī*) that lies in the hands of the victim or their heirs. This means that the implementation of *Qisas* is not automatic and absolute, but depends on the will of the aggrieved party. Forgiveness here is not merely an individual moral stance, but a legal right that is valid and explicitly recognised by sharia. When the victim or their heirs forgive the perpetrator, the right to demand the implementation of *Qisas* is forfeited, so that state authorities can no longer carry out the sanction. This shows that Islamic criminal law provides space for the victim to actively participate in determining the form of settlement of the case, so that the victim is not treated as a passive party who leaves the matter entirely to the state. Forgiveness can be given without compensation, as a form of benevolence and generosity, or accompanied by *diyat* compensation, as a form of material responsibility on the part of the perpetrator. In this context, forgiveness accompanied by *diyat* still maintains the element of justice because the losses suffered by the victim or their family are recognised and compensated. In contrast, forgiveness without *diyat* is seen as a form of *ihsan* of higher ethical and spiritual value. This spiritual dimension is important because Sharia law not only pursues social order but also cultivates morals and strengthens the value of *rahmah* (compassion) in society.

Psychologically, the mechanism of forgiveness can help victims' families achieve inner peace because the decision is born of their own awareness and willingness, not of external pressure. The process of forgiveness also opens the possibility of broader social reconciliation, avoiding a cycle of prolonged resentment and preventing intergroup conflicts that can arise from retaliation. From the perpetrator's perspective, forgiveness offers an opportunity for repentance and self-improvement, as they directly experience the injured party's generosity. This situation can foster a deeper sense of moral responsibility than simply serving a formal sentence. Thus, forgiveness in *Qisas* is not a form of weakening the law or neglecting justice, but rather a mechanism that balances retributive and restorative justice. Retributive justice is recognised through the legitimacy of the victim's right to demand *Qisas*, while restorative justice is realised through the possibility of forgiveness and reconciliation. This construction shows that the ultimate goal of Islamic criminal law is not only retribution, but also the protection of life, the restoration of social relations, and the realization of the common good. Therefore, the aspect of forgiveness is proof that *Qisas* is not merely synonymous with violence or retribution, but rather a legal system that provides space for compassion, responsibility, and moral transformation in the resolution of criminal acts.

Furthermore, the Prophet Muhammad consistently encouraged forgiveness and reconciliation to bring peace to victims, as narrated by Bukhari and Muslim. The Messenger of Allah said,

وَمَنْ قُتِلَ لَهُ قَتِيلٌ فَهُوَ بِخَيْرِ النَّظَرَيْنِ، إِمَّا أَنْ يُفْدَى، وَإِمَّا أَنْ يُقْتَلَ

"Whoever has a family member killed has two best options: to demand blood money or to demand retribution. (Thohari, 2018, pp. 14–23).

This hadith reinforces that forgiveness in the context of *Qisas* is not a form of legal weakness, but rather a highly valuable instrument of moral and psychological recovery. Within the framework of restorative justice, forgiveness has a therapeutic function for both victims and perpetrators because it allows the reconstruction of a meaning of justice that does not stop at retribution but remains oriented towards inner peace and social reconciliation (Ufran, 2023). In addition, this forgiveness is a form of Sharia law's concern for the existence of the victim and their family as the deciding factor in whether or not *Qisas* is imposed on the perpetrator of the crime. If *Qisas* against the perpetrator are forgiven or waived, the perpetrator is ordered to pay *diyat* to the victim/their family as

compensation for the perpetrator's actions against the victim. The payment of *diyat* has a positive meaning: supporting the victim's or their family's economic needs, which is within the scope of Islamic law. The importance of this *diyat* payment is also felt strongly, especially if the victim is the one responsible for providing for the family.

The mechanisms of *Qisas* and *diyat*, when viewed from a legal psychology perspective, have fulfilled the main indicators of restorative justice inherent in Islamic criminal law, namely the recognition of the victim's suffering, the perpetrator's moral responsibility, and the restoration of social balance (Ropei, 2022). The victim's decision to forgive or accept *diyat* is not merely a legal act. Still, a psychological process involving emotions and religious values, and *diyat* is not only normatively valid, but also psychologically legitimate (Japar, 2025, pp. 4–5). The concept of forgiveness in Islamic studies is also a spiritual process that involves awareness and self-development, allowing the victim to let go of resentment, anger, and hatred, thereby creating a sense of peace and tranquillity in the heart. Conversely, if the victim cannot forgive, feelings of hatred and dissatisfaction will likely continue to burden their emotions, which will ultimately harm their own mental and physical health (Azizah, 2024, p. 9).

The integration of the legal psychology perspective shows that Islamic criminal law has already developed a model of justice that places spiritual restoration, social harmony, and public interest as the main objectives of punishment (Sapriadi, 2023). In addition, there is a strong attachment to the values of restorative justice found in the implementation of *Qisas* and *diyat* in Islamic criminal law, as manifested in the concepts of human dignity, respect, and community involvement. These values are very apparent in the implementation of *Qisas* and *diyat*, as the purpose of *Qisas* itself is to protect human life (*walakum fil Qisas hayatun*), which can be interpreted as a representation of the concept of human dignity. Furthermore, the concept of respect in the implementation of *Qisas* is seen in the equal status of the parties involved in the resolution of the case, namely the perpetrator, the victim, and the community. The perpetrator is the party held accountable for their actions; the victim's family is the aggrieved party; and the community is allowed to participate, resulting in a mutually agreed-upon solution (Maulidar, 2021). This argument emphasises that the modern restorative justice approach does not contradict Islamic criminal law but finds its normative and psychological roots in the concepts of *Qisas* and *diyat*.

Psychological Dimensions of *Qisas* and *Diyat*

The application of *Qisas* and *diyat* in Islamic criminal law not only operates in the normative and juridical realm, but also touches on deep psychological dimensions, both for the victim and the perpetrator of the crime. One crucial role of the existence and impact of *Qisas* and *diyat* in terms of psychology is to explain the (psychological) condition or situation of the perpetrator and victim to make a fair decision on the application of sanctions. In the realm of restorative justice, this psychological aspect is a key element because justice is not measured solely by the fulfilment of legal sanctions, but also by the extent to which it is felt, interpreted, and restores the mental condition of the parties involved (Najmudin et al., 2023). Therefore, *Qisas* and *diyat* need to be understood as legal mechanisms that comprehensively account for emotional dynamics, perceptions of justice, and the process of psychological recovery.

Criminal acts that result in the application of *Qisas* or *diyat* often leave psychological scars on victims in the form of trauma, anger, feelings of loss, and a desire for recognition of their suffering (Mulyana, 2022). Islamic criminal law gives a significant standing to victims or their heirs by granting them the right to determine the course of the case settlement, either through the implementation of *Qisas*, forgiveness, or the acceptance of *diyat* (Al-Qurthubi, 1982). This construction has important psychological implications, as recognition of the right to choose strengthens the victim's sense of control over a situation that previously left them feeling helpless. In interdisciplinary legal psychology, the active participation of victims in the justice process has been shown to increase perceptions of justice and reduce the long-term effects of trauma. (Rumainur, 2023). The option to grant forgiveness in *Qisas* cannot be understood as a simple decision, but rather as a complex psychological process (Fangesty, 2025, p. 85). Forgiveness involves an emotional struggle between anger, pain, moral values, and the hope for inner peace. Basically, forgiveness is not just an ethical choice but a path to piety and inner peace,, as stated by Allah SWT.

وَأَنْ تَغْفُوا أَقْرَبُ لِلتَّقْوَىٰ ۖ وَلَا تَنْسُوا الْفَضْلَ بَيْنَكُمْ ۗ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

“And if you forgive, that is closer to piety. And do not forget the good among you. Indeed, Allah is All-Seeing of what you do.” (QS. Al-Baqarah [2]: 237)

وَجَزَاءُ سَيِّئَةٍ سَيِّئَةً مِّثْلُهَا ۖ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ ۗ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ

“The recompense for an evil deed is an evil deed like it, but whoever forgives and makes amends, his reward is with Allah. Indeed, He does not like the wrongdoers.” (QS. Asy-Syu'ara [26]: 40)

Surah Al-Baqarah [2]: 237 can be understood as an acknowledgement of the psychological dynamics that accompany the act of forgiveness. Forgiveness does not arise from a vacuum, but from complex emotional struggles—between anger at feeling wronged, pain from betrayal or disappointment, a moral impulse to be fair, and the hope of achieving inner peace. In a conflict situation, humans are instinctively driven to defend their rights and dignity; however, this verse shifts that orientation by emphasising that forgiveness is closer to piety. This means that forgiveness is not a weakness, but a form of self-control that demonstrates spiritual and emotional maturity. When someone chooses to forgive, they are subduing the urge for revenge and prioritising a higher moral value: the awareness that maintaining virtue (*al-fadl*) is more important than intensifying hostility. This process involves an inner transformation: anger is transformed into empathy, pain is processed into acceptance, and the demand for justice is combined with generosity. This is where forgiveness becomes the path to inner peace, as the emotional burden that was once weighing us down is slowly released. The theological dimension of the verse, which affirms that Allah sees every deed, strengthens the internal motivation to choose an attitude that fosters peace, not just ego victory. Thus, forgiveness in the perspective of this verse is not only a social ethical choice, but also a spiritual-psychological process that leads humans to piety—that is, a deep awareness of God's presence that guides the heart towards peace, emotional balance, and moral integrity.

This forgiveness is consistent with psychological findings that show it can function as a therapeutic mechanism, helping victims release negative emotions and rebuild a sense of justice that is not solely oriented towards retaliation. In the linguistic sense, as mentioned in the two verses above, the phrase derived from the root word “*al-afwu*” has a different, broader connotation and meaning than the meaning of forgiveness as understood in Indonesian. The meaning of forgiveness in the Arabic context includes psychological dimensions, both intrapersonal and interpersonal. This means that forgiveness in this context is the healing of inner wounds/heartache and its effects, such as legal demands. This differs from the meaning of forgiveness in Indonesian, which is limited to the release from punishment. Therefore, the meaning of forgiveness, or the granting of forgiveness, in its application to *Qisas* and *diyat* clearly confirms that it has a very broad meaning and significance, not only as an exemption from punishment for the perpetrator but also as an act of kindness towards the perpetrator (Khasan, 2017).

Meanwhile, *diyat* has a different psychological dimension but is complementary. *Diyat* does not only function as material compensation; in its application, this sanction is known and categorised as a non-penal approach used as an alternative to punishment to reduce the prison population. However, *diyat* is also symbolised as an acknowledgement of the perpetrator's wrongdoing and responsibility as a form of remorse for the harm caused to the victim/their family (Maulidar, 2021). For victims, the acceptance of *diyat* can be a form of validation of the suffering experienced and a means of recovery from psychological stress, especially when *diyat* is understood as part of a reconciliation (recovery) process accompanied by the perpetrator's good intentions, with the hope of bringing positive effects to the victim/their family (Herlangga, 2025). The result of applying this sanction also becomes a solution and an effort to maintain the victim's or even their family's livelihood after the loss or helplessness of one of the family's breadwinners (Najmudin et al., 2023). Previously, victims of crime would certainly experience psychological shock, trauma, anger, or even a loss of control over their lives. This is where the urgency of applying *diyat* lies: to provide space for victims or their families to participate in determining the course of resolution of the case (the choice between *Qisas* and *diyat* sanctions), so that the victims or their families feel recognised rather than ignored by the state. The involvement of victims/their families in determining this choice can

help restore the sense of control that was lost as a result of the criminal incident. Furthermore, when *diyat* is given to the victim or their family, accompanied by an acknowledgement of guilt, remorse, and an apology from the perpetrator to the victim or their family, this process will always reduce the urge for revenge and accelerate emotional recovery. Ultimately, the positive impact of applying *diyat* on the victim or their family can reduce prolonged stress, anxiety, and anger. Thus, *diyat* contributes to the restoration of social relations and reduces the potential for further conflict that could exacerbate the victim's psychological wounds.

From the perpetrator's perspective, the application of *Qisas* and *diyat* has significant psychological implications. The awareness that the victim or their heirs have the authority to determine the legal fate of the perpetrator creates space for moral reflection and personal responsibility. In legal psychology, accountability accompanied by acknowledgement of wrongdoing and the possibility of forgiveness has a stronger impact in encouraging behavioural change than impersonal punishments that are entirely monopolised by the state. The acceptance of *diyat*, in particular, places the perpetrator in a position to atone for their mistakes and repair the impact of their actions, which contributes to the process of social reintegration. The acceptance of *diyat* by the victim from the perpetrator is not a form of purchase without empathy. *Diyat* is understood not only as material compensation but also as empathy, acknowledgement of wrongdoing, and remorse to the victim or their family. Therefore, sensitivity to the emotional condition of the victim is an important requirement for the application of *diyat* to bring about meaningful justice truly.

In addition, forgiveness in *Qisas* also acts as a psychological mechanism to prevent the dehumanisation of the perpetrator (Martitah, 2024). Instead of being positioned as an object of punishment, the perpetrator is recognised as a moral subject capable of repenting and improving (Sawal, 2020). This approach is in line with the objectives of Islamic criminal law, which emphasises moral reform (*islah*) and the prevention of social harm, rather than mere retribution (Marliana, 2023). From a psychological perspective, recognising the dignity of the perpetrator increases the chances of rehabilitation and reduces the risk of recidivism.

The results of this study prove that *Qisas* and *diyat* in Islamic criminal law have inherently and holistically integrated the psychological dimensions of the victim and perpetrator into their structure. Legal psychology reveals the depth of this system's rationality, showing that justice in Islamic criminal law does not stop at formal legality but is oriented towards spiritual restoration, the reconstruction of social relationships, and the achievement of justice truly felt by the subjects of the law (Nugraha et al., 2025).

Reconstructing *Qisas* and *Diyat* through Legal Psychology

Normative polarisation with substantive polarisation in law enforcement sometimes reaches a dead end. This polarisation seems incompatible, as the function of law should be *social control* and *social engineering*. Similarly, the purpose of law should be to realise a sense of justice in society, but in reality, this has not been fully achieved. Instead of realising a sense of justice, it seems that this is only a tagline. Realising justice, especially in law enforcement, is not merely a matter of implementing formal, normative written rules. Without exception, upholding justice in the settlement of criminal offences is not limited to understanding the presence of a sense of justice by simply imposing sanctions from written normative formal rules. Furthermore, realizing justice must also go through other considerations, namely psychological, moral, and social dynamics.

The concepts of *Qisas* and *diyat* in Islamic criminal law have often been understood as trapped in a normative-formal reading that emphasises punishment and retribution. This understanding often fails to fully capture the inner and humanitarian goals inherent in these mechanisms. The perspective of legal psychology offers a space for reconstructing understanding by shifting the focus from the mere legality of sanctions to justice as perceived by legal subjects, both victims and perpetrators. Therefore, *Qisas* and *diyat* are no longer understood as retributive instruments, but as mechanisms of justice that work through psychological, moral, and social dynamics. Therefore, justice cannot be viewed from only one aspect but must be absorbed from various aspects.

In the framework of legal psychology, justice is measured not only by the appropriateness of procedures and the certainty of norms, but also by psychological legitimacy, namely the extent to which legal decisions provide a sense of justice, calm the soul, and restore relationships damaged by

criminal acts. *Qisas*, which gives victims or heirs the right to choose between retribution, forgiveness, or *diyat*, demonstrates Islamic criminal law's recognition of the psychological needs of victims. Victims are not positioned as passive objects of the state, but as subjects who have emotional and moral autonomy in determining the form of justice that is most meaningful to them.

Reconstruction through legal psychology proves that forgiveness in the context of *Qisas* is not merely a normative choice, but a complex psychological process. By providing space for legally valid forgiveness, *Qisas* enables the psychological recovery of victims because justice is not imposed from outside but arises from internal decisions legitimised by the victims. On the other hand, *diyat* in legal psychology is not only material in nature but also symbolic and emotional, representing the acknowledgement of wrongdoing, moral responsibility, and efforts to restore the victim's losses. In essence, this mechanism encourages moral awareness and remorse in the perpetrator, while for the victim it serves as an acknowledgement of the suffering experienced and a process of healing and reconstructing a sense of security.

Legal psychology, as a science that prioritises psychological aspects, has situated *Qisas* and *diyat* within the framework of rational justice, namely justice that aims to restore the balance of social relations damaged by criminal acts. Thus, it is clear that the reconstruction of the understanding of *Qisas* and *diyat* through the lens of legal psychology aligns with a mature restorative justice model. This approach does not negate normative aspects and sanctions, but places them within a more comprehensive framework: spiritual restoration, the legitimacy of justice, and social harmony. The integration of legal psychology actually enriches the concrete discourse on *Qisas* and *diyat* as concepts of the Islamic criminal law system that are not only formally valid, but also psychologically effective and humanistically meaningful in upholding substantive justice.

Conclusion

Qisas and *diyat* in Islamic criminal law cannot be narrowly understood as instruments of retributive justice, but rather as mechanisms of justice that have very strong restorative and psychological dimensions. Normatively, Islamic law provides ample space for victims or heirs to determine the direction of case resolution by choosing among *Qisas*, forgiveness, or *diyat*. This structure shows that Islamic criminal law not only places victims as the main subjects of justice, but also offers opportunities to restore social relations and peace of mind for both victims and perpetrators. From a legal psychological perspective, it has been shown to fulfil the main principles of restorative justice, namely the recognition of the victim's suffering, the perpetrator's moral responsibility, and the restoration of social balance.

The choice given to victims or their heirs to demand *Qisas*, grant forgiveness, or accept *diyat* is not merely a formal legal action, but a psychological process involving emotions, moral values, and substantive justice. Thus, *Qisas* and *diyat* not only have normative legitimacy, but also psychological legitimacy because they can calm the soul, prevent prolonged trauma, and break the cycle of revenge. This reconstruction of understanding confirms that Islamic criminal law has developed a model of justice oriented towards restoration and benefit, making it relevant and aligned with the contemporary concept of restorative justice.

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